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Chairman: Mr. MUNTASSER (Libyan Arab Jamahiriya)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 112: JOINT INSPECTION UNIT (continued) (A/46/34, 89, 219)

1. Mr. SPAANS (Netherlands), speaking on behalf of the 12 States members of the European Community, recalled that at its 10th meeting the Fifth Committee had agreed to the Chairman's proposal that the current item be considered on a biennial basis, a procedure which was in line with the suggestion put forward by the Twelve with the aim of streamlining the agenda and rationalizing the Committee's work. That proposal, which would involve postponing consideration of the substantive aspects of the item to the forty-seventh session, was prompted by the conviction that consideration of the valuable reports of the Joint Inspection Unit could be undertaken during the discussions on the agenda items to which they referred.

2. The desire to postpone consideration of the item should not be interpreted as an indication that the Twelve did not attach importance to the work of the Joint Inspection Unit - on the contrary, they wished to encourage it to increase its output, preferably in the form of selective and concise reports, and to continue its dialogue with the General Assembly on the formulation and implementation of its programme of work.

3. The Twelve welcomed the improvements in the presentation of the report of the Joint Inspection Unit and urged it to enhance the usefulness of its reports to the governing bodies of the organizations of the United Nations system and to keep the implementation of its recommendations under close scrutiny whenever possible. The Twelve were willing to participate constructively in any informal discussions of the current agenda item.

AGENDA ITEM 115: PERSONNEL QUESTIONS (continued) (A/46/370, 377; A/C.5/46/2, 4 and Add.1, A/C.5/46/7, 9, 13, 16, 21)

4. Mr. O'BRIEN (New Zealand), speaking also on behalf of Australia and Canada, said that staff were the Organization's most important asset and had responded with vigour and professionalism to the new demands placed on the United Nations. The importance of staff was also reflected in the substantial sums allocated to staff expenditure in the budget. Although the reductions in staff called for by the General Assembly at its forty-first session had been achieved, the long-term recommendations of the Group of 18 remained relevant and would continue to serve as guidelines for future work.

5. Both the Secretary-General and the Chairman of the Advisory Committee on Administrative and Budgetary Questions had highlighted the need to review the structure of the Organization in order to equip it to meet the new demands placed on it. It was to be hoped that the many discussions being held on strengthening and streamlining the activities of the Secretariat would make it possible to draw up firm proposals capable of securing the support of the General Assembly. Further measures were needed to simplify the structure of

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the Secretariat and improve coordination between its various units so as to avoid duplication of work, in accordance with the recommendations outlined by the Group of 18.

6. The Secretariat must give top priority to recruiting outstanding personnel. In that connection, it was regrettable that, in the past, posts in the Secretariat had been filled by candidates from a relatively limited circle of persons connected in some way with the Organization. In view of the extensive problems which that practice could generate and the need to recruit highly skilled staff, it was vital to extend and improve selection procedures. The Governments of the Member States could contribute to that objective by providing timely information in their countries about vacancies in the Organization and by promoting a positive public perception of the United Nations and its work.

7. The Secretariat had considerably improved its recruitment procedures in recent years. A practice which had proved very effective in that respect had been the holding of national competitive examinations to recruit at entry level well-qualified young people looking for careers as international civil servants. That method had also been successful in increasing personnel numbers from those Member States unrepresented or underrepresented in the Secretariat. Nevertheless, some delays were occurring in the recruitment of candidates who had been successful in the national competitions.

8. Recruitment by competition should not be confined to junior Professional staff but should apply to all staff, particularly senior officials, to whom the Secretary-General had been delegating a large number of tasks in recent years as his responsibilities increased. Special care should be taken in the selection of senior officials since their performance directly affected the quality of work of all those under their authority. With that in view, from 1992 onwards the new Secretary-General should apply the selection and recruitment procedures for the appointment of officials at the highest levels of the Secretariat outlined the previous year by the Australian, Canadian and New Zealand delegations.

9. He hoped that the secondment procedures applied by certain Member States during the previous 45 years were now a thing of the past and that the new provisions on the subject would be used constructively to further the aims of the United Nations. Secondment of officials from national civil services, academic institutions, private industry or other United Nations organizations would provide the Organization with resources that it might not be able to develop internally. On the other hand, secondment of United Nations officials to other organizations should also be encouraged and appropriate methods found for evaluating and promoting such officials while they were serving outside the Secretariat.

10. To enable officials to utilize their talents fully once recruited, an effective system of career planning and staff training needed to be established once and for all with provision for job diversification and

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mobility within the Organization. Due attention must also be given to the representation of women in the Secretariat. He welcomed the increased concern shown by the Secretariat in career development, particularly in the General Service category. It must be remembered, however, that training was not an end in itself but should be geared to maximizing cost-effectiveness.

11. Promotion opportunities had been to some extent limited by the reduction in the size of the Secretariat. Conditions of service and career prospects were crucial to the Secretariat's ability to attract and retain the best qualified staff. Nevertheless, proposals to expand promotion opportunities should be looked at very carefully to ensure that they did not overload the system still further and undermine the economies so far made. The greater the degree of staff turnover, the easier it would be to respond flexibly to the new tasks required of the Organization.

12. As recommended by the Group of 18, it was important that strict and clear criteria should apply to the promotion of staff at all levels in the Secretariat. In that connection, he looked forward to the report to be submitted by the Secretary-General to the General Assembly the following year on the formulation of a comprehensive career development plan, which, as indicated in General Assembly resolution 44/185, should establish adequate, equitable and transparent promotion procedures where merit was recognized as the fundamental criterion.

13. A further vitally important aspect of personnel management was an efficient internal system for the administration of justice, as a counterbalance to administrative decision-making. In that respect, important reforms had been introduced in the Secretariat since 1987 with which Member States should be well pleased.

14. On another issue, serious consideration should be given to the proposal to biennialize consideration of personnel questions with a view to improving the efficiency of the Fifth Committee's work. Such a rationalization of its programme of work would enable the Fifth Committee to focus more clearly on consideration of the budget in alternate years and would allow the Secretary-General more time in which to respond to the General Assembly's requests for information on personnel matters.

15. Another problem which warranted special attention concerned the increasing number of Secretariat staff who were serving under dangerous conditions. Although the number of cases of arrest, detention or abduction of staff members had decreased slightly during the past year, it remained a source of great concern. Violations of the privileges and immunities of officials of the United Nations could lead to a situation in which it was impossible for the United Nations to fulfil its mission. He joined previous speakers in calling upon the Governments of all Member States to respect their obligations in the matter.

16. Mr. AYOOB (Aghanistan) considered that the composition of the staff of the United Nations system should reflect a balanced and equitable geographical distribution, in accordance with the principles set forth in the Charter of the United Nations. Despite the many efforts which had been made in that direction, the situation had not improved sufficiently. The recruitment of staff from unrepresented or underrepresented countries must increase; the competent authorities should take special measures to help the countries in question to secure an equitable geographical distribution.

17. As far as respect for the privileges and immunities of United Nations officials was concerned, Afghanistan had always complied with the relevant provisions and, despite the situation of conflict prevailing in the country, it had made every effort to ensure the security of the staff of the United Nations system. However, while Member States had an obligation to safeguard the security of United Nations staff, staff members also had an obligation to refrain from abusing their status by engaging in activities which threatened the national interests of Member States. In that connection, it should be noted that the three Afghan nationals whose names were mentioned in the Secretary-General's report and against whom incontrovertible evidence existed had already been released; consequently their names should be removed from the list appearing in the report of the Secretary-General (A/C.5/46/4). Afghanistan would continue to make every effort to guarantee the security of the staff of the various organizations of the United Nations system and to provide them with proper working and living conditions.

18. With regard to the question of the improvement of the status of women in the Secretariat, his delegation particularly welcomed the measures which had been taken by the Secretary-General during the period from July 1990 to June 1991. It was essential that women should at last enjoy equal opportunities with men in the Secretariat of the United Nations.

19. Mr. DINU (Romania) said that, although the current year was one in which the Fifth Committee ought to have been concentrating on the question of the budget and considering personnel questions only in general terms, the importance which Member States attached to the item was so great that personnel questions were in fact being considered in detail every year.

20. The comprehensive report of the Secretary-General on the composition of the Secretariat (A/46/370) contained valuable statistical information, and be noted the efforts which the Secretariat had made to reduce the number of unrepresented and underrepresented Member States. However, those efforts did not appear to have been sufficient, since a considerable number of Member States remained unrepresented or underrepresented even though a comparatively large number of nationals of some of them had been recruited. Perhaps the Secretariat should also look at the question of how to retain staff members in service, in view of the high cost to the United Nations of the recruitment process.

(Mr. Dinu, Romania)

21. Romania continued to be underrepresented in the Secretariat. As of 30 June 1991, it had three staff members in the Secretariat, compared with a desirable range of from 5 to 15. Although three Romanian candidates had been selected through the competitive examination which had been held in Bucharest for junior posts in the Secretariat, not all of those young people had yet been offered appointments. His delegation would be grateful to the Secretariat for an explanation of the measures being taken to recruit them. Romania was prepared to put forward candidates with specialized expertise in various fields chosen through the strict application of the rules and practices for advertising vacancies and selecting candidates. It was difficult to understand why, once a candidate had been selected and approved by the Board, he or she should not be offered the post advertised without delay, and it was even more difficult to understand why there should be internal redeployment of advertised posts between departments. Romania reaffirmed its support for the system of competitive examinations and for the idea of extending the system to cover posts at the P-3 level. The Secretariat should bear in mind, however, that the examinations would serve no purpose if successful candidates were not offered employment as expeditiously as possible.

22. With regard to the improvement of the status of women in the Secretariat (A/46/377), his delegation hoped that the Secretariat would intensify its efforts to achieve the targets of 30 per cent of Professional-level posts before the end of the year and 35 per cent by the end of 1995. However, the objective of securing enhanced representation of women at all levels should be pursued in conjunction with efforts to achieve more equitable geographical distribution. It went without saying that both objectives were fully compatible with the need to secure the highest standards of efficiency, competence and integrity mentioned in the Charter. A number of tables and graphs contained in the report on the composition of the Secretariat (A/46/370) had been reproduced in the report on the improvement of the status of women (A/46/377), in order, so it was understood, to facilitate discussion of the issue by both the Fifth Committee and the Third Committee. His delegation hoped that consideration of the item by both Committees would not result in a duplication of work or the formulation of conflicting directives. It was his delegation's belief that the main forum for consideration of personnel and other administrative questions should be the Fifth Committee.

23. Romania attached the greatest importance to the proper representation of all Member States in the Secretariat and believed that whatever methodology was used for distributing posts among Member States must be fair, realistic and flexible. In that respect, Romania shared the view of the Secretary-General that the present system of desirable ranges should take into account the main criteria necessary to ensure an equitable distribution of posts among Member States: membership, population and contribution (A/C.5/46/2, para. 34). It was important, however, to consider carefully the relative weight to be assigned to the various factors, and a spirit of compromise must prevail on the issue. He wondered what consequences the recent admission of seven new Member States would have for the desirable

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ranges and what would be the effect of the introduction of a new scale of assessments. It would be helpful if the Secretariat could submit a revised version of the alternative options for desirable ranges taking those factors into consideration.

24. His delegation believed that the recruitment of officials on secondment from government service was a useful arrangement of great benefit to the United Nations, Member States and the staff members themselves. The United Nations benefited from the contribution of trained staff representing all the regions and cultures of the world; Governments benefited from the return of staff who had acquired a unique international outlook; and many staff members wished eventually to return to their home countries to resume their positions there. Now that most restrictions on the long-term employment of nationals of all countries in the Secretariat had been removed, caution was needed in order to ensure that secondment did not disappear as a useful option. Member States had an opportunity to work together to secure a fair tripartite agreement on the subject.

25. His delegation was fully convinced of the importance of a just and efficient internal justice system in the Secretariat. The report of the Secretary-General (A/C.5/46/7) detailed an impressive variety of mechanisms for responding to every conceivable staff problem, but it did not explain why so many complaints should be made by staff members against management decisions. Many of those complaints might be avoided if the whole process of managerial decision-making were more transparent.

26. His delegation noted with considerable interest the report on respect for the privileges and immunities of officials (A/C.5/46/4) and reaffirmed its strong commitment to respect those privileges and immunities, as well as its commitment to work closely with the Secretariat on such matters.

27. The document containing the views of the staff representatives of the United Nations Secretariat (A/C.5/46/21) dealt with matters relating to the day-to-day management of the Secretariat, and, in his opinion, the Committee should not go into detail on such questions. He was nevertheless concerned that the staff representatives saw the current situation with respect to career development, training, the promotion policy and the internal administration of justice in such a bleak light. His delegation thought that a highly motivated staff was essential if the Organization was to be able to meet effectively the requirements of a rapidly changing world. It therefore urged the Secretariat to give priority to a review of the causes of low staff morale and to propose solutions.

28. In recent years, the General Assembly had adopted a number of resolutions and decisions containing important directives for the Secretariat with respect to recruitment and career development. He wondered whether anything had been done to implement them or if they had been replaced by other directives. His delegation wished to request the Secretariat to submit a comprehensive report

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to the General Assembly at its forty-seventh session on the Organization's personnel policies, with special emphasis on policies deriving from General Assembly resolutions. The report should examine the development and implementation of recruitment plans aimed at bringing the representation of unrepresented or underrepresented countries within their desirable range and at increasing the proportion of women in the Secretariat. It should also cover the establishment of an appropriate career development system that would offer all Secretariat staff, both Professional and General Service, equal promotion opportunities and reasonable career expectations.

29. Mr. ELIASHIV (Israel) expressed appreciation for the concern shown for the well-being of employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) who were currently detained. It was his understanding that Mr. Abed Rabbu Hussein Abu Aun, whose name appeared on the list in the report of the Secretary-General (A/C.5/46/4), had been released on 20 November 1990. The other people on the list had been duly detained, pursuant to the law in force in the administered areas, because of their involvement in illegal activities. The mere fact of being a United Nations staff member was not enough to provide immunity from the law in force, especially when the illegal activities involved the disruption of public order, violence and terrorism. Article 100, paragraph 1, of the Charter, required that United Nations staff members should refrain from any action that might reflect on their position as international officials responsible only to the Organization. Accordingly, incitement to violence, planning and carrying out acts of violence, and other threats to public order and safety prejudiced a person's status as a United Nations staff member and caused considerable harm to the Organization itself. The Israeli authorities were doing everything possible to caution local UNRWA staff to refrain from participating in activities involving violations of law and public order. In several cases, the authorities had requested UNRWA to reconsider its practice of employing staff who had been involved, sometimes repeatedly, in such activities, but to no avail. It was the practice of the Israeli authorities to inform the heads of UNRWA offices in the administered areas, upon their request, as to the circumstances of the detention of UNRWA staff members, as well as the details of trials and judgements. As a general rule, trials in the military courts in those areas were open to the public, so there was nothing to prevent representatives of the United Nations attending. Persons detained by the Israeli authorities were granted all requisite facilities during their detention, including constant medical supervision and treatment, as necessary, the right to be visited by their families and attorneys, and other privileges, such as the right to appeal their detention to an Appeals Board and to have their case reviewed by the Supreme Court of Israel sitting as a High Court of Justice. In conclusion, his delegation wished to emphasize that, when Israel decided to detain a person, it did so after taking all due precautions and only after ascertaining that detention was necessary. The individuals on the list had been detained because of their involvement in hostile activities, with a view to preventing their involvement in future hostile activities and protecting the safety and security of the population. Their detention had no connection whatsoever with their professional activities, but only with actions incompatible with their functions as officials of the United Nations.

(Mr. Eliashiv, Israel)

30. Turning to the question of taxation referred to in the report of the Secretary-General (A/C.5/46/4/Add.1), he wished to point out that the ad valorem wharfage charge levied by the Israeli Port Authority at the port of Haifa was not a tax. Furthermore, it was levied by an independent authority, not by the Government of Israel. It was a charge for services rendered only, and was paid by all tax-exempt organizations without protest, including diplomats and foreign missions. The fact that it was levied ad valorem merely reflected the Port Authority's chosen accounting method and should not compel the conclusion that it constituted a tax. The agencies concerned could contact the appropriate authorities in Israel for further information.

31. Mr. WILENSKI (Australia), speaking on behalf of Canada, New Zealand and Australia, said that bringing about a greater degree of gender equality in the United Nations was a fundamental issue with respect to human rights, social justice and the implementation of the principles of the Charter. It was necessary for women to be represented at senior policy-making levels if the problems of half of the human race were to be taken fully into account. The equitable promotion of women on the basis of merit would improve the efficiency of the Organization. Not only would such a policy ensure that highly talented staff could attain positions commensurate with their abilities; it would also close those positions to less able persons who might demoralize their subordinates. Most of those present had seen half of their competitors removed from the race by biased rules and discriminatory attitudes, either conscious or unconscious. Considering that, of the 166 Permanent Representatives, 163 were men and that, of the Secretariat's 45 senior staff, 43 were men, one might well wonder how many would have made it if the women against whom they had been competing for advancement had been given an equal chance.

32. He acknowledged that there had been some progress towards equality, particularly at junior levels, but the pace remained slow. In 1985, the proportion of women at the D-1 level and above had been 7.13 per cent. Six years later, the percentage had grown by less than 1.5 per cent, to 8.6 per cent. It was paradoxical that the United Nations was following rather than leading the movement in the world towards equality. In his annual report on the work of the Organization, the Secretary-General stated that, as a concern, gender equality was second to none (A/46/1, part X), and indeed, in the Office of the Secretary-General, 44.4 per cent of the senior staff were women. However, the Secretary-General's concern was apparently not shared by the majority of managers in the Secretariat. The lack of progress over the past 12 months suggested that senior officials were not fully committed to the advancement of women. Such commitment needed to be demonstrated by clearly visible action.

33. The new measure approved by the Secretary-General on 18 March 1991 (A/46/377, para. 5) was welcome, although it would not have been necessary if a full-scale equal employment opportunity programme had been instituted. While it was still too early to gauge its effect, it was important for senior management to monitor the situation in coming months in order to ensure that the desired results were achieved.

(Mr. Wilenski, Australia)

34. The most encouraging development in 1991 had been the appointment of an outstandingly able woman, Mrs. Ogata, to the post of United Nations High Commissioner for Refugees. However, the data contained in the report on the improvement of the status of women in the Secretariat (A/46/377) was not encouraging. One of the most obvious indicators was the overall percentage of women in posts subject to geographical distribution, which, from 30 June 1990 to 30 June 1991, had risen by less than 1 per cent. If that level of progress was maintained in 1991-1992, the target of 30 per cent by 1990 would be achieved at best two years behind schedule. Unless something was done to break the pattern of the past five years, the Organization would not reach the 35 per cent target set by the General Assembly for 1995. It was at the more senior levels that the failure to advance the status of women in the Secretariat became glaringly obvious. Despite the target set by the General Assembly in resolution 45/239 C of a 25 per cent participation rate for women in posts at the D-1 level and above, in 1991 they represented a scant 8.6 per cent. There were still only two women Under-Secretaries-General and not one woman at the level of Assistant Secretary-General.

35. Of all the appointments made during the period 1990-1991, neither of the two Under-Secretaries-General appointed was a woman; the one Assistant Secretary-General appointed was not a woman; of the six appointments to the D-2 level, only one was a woman; and, even at the D-1 level, of the nine appointed only three were women. Equally striking, out of 26 persons promoted from the P-5 to the D-1 level during the same period, only three were women. He wondered whether anyone was monitoring the appointments and bringing them to the attention of the Secretary-General, as they flew in the face of a whole series of resolutions calling specifically for more women in senior and decision-making positions.

36. The distribution of women in different areas of the Secretariat was also cause for concern. Certain areas, such as the translation and interpretation services, were becoming "women's areas" and women were still being kept out of decision-making posts. While only about 8 per cent of senior posts were in conference services and human resources management, over one third of the senior women worked in those areas. On the other hand, of the 48 senior posts in UNCTAD and the Department of International Economic and Social Affairs, none were held by women.

37. Other practical steps could be taken to translate the principle of equal opportunity into reality. Such steps might include, for instance, a comprehensive evaluation and analysis to determine the barriers that existed to the equal participation of women and to find solutions to overcome those barriers; the establishment of an action programme aimed at effecting the requisite structural and attitudinal change; the creation of management mechanisms to make all supervisors accountable for their performance in promoting gender equality; the establishment of an equal employment opportunity unit outside the Office of Human Resources Management capable of exerting real authority over personnel procedures and actions throughout the

(Mr. Wilenski, Australia)

Organization; and a greater effort by Member States to identify and nominate qualified women candidates for Secretariat positions. The situation with regard to Eastern Europe was particularly serious, but his delegation was pleased to note an improvement in the representation of African women.

38. A further issue to which everyone had been sensitized was that of sexual harassment, a subject that had not had much public discussion as far as the United Nations was concerned. The rudimentary guidelines on sexual harassment which applied to the Secretariat should be refined, strengthened and widely promulgated so that women and men knew their rights. The national bureaucracies of Australia, Canada and New Zealand had their own guidelines, which could serve as a model, although the personnel practices of the United Nations should always be in advance of those of its Member States.

39. Mr. PANDAY (Nepal) said that for more than a year the United Nations had been at the focus of international attention in a manner unparalleled in its history. The restoration of faith in the capacity of the Organization had placed new demands on it, which could only be met with the proper staff. In the context of the ongoing consultations on the revitalization of the United Nations, his delegation hoped that due attention would be paid to an equitable system of career development with a realistic system of incentives. Secretariat staff needed to have the assurance that personnel mechanisms were transparent and were functioning in accordance with the relevant Staff Rules and Regulations. They also needed to have faith in the mechanisms for redressing their grievances. It might be pertinent in that regard to take a hard look at the role of the Committee on Applications for Review of Administrative Tribunal Judgements.

40. Respect for the status of international civil servants was essential if the Secretariat was to enjoy the confidence of Member States. The detention of staff members in defiance of the rules governing the privileges and immunities of the international civil service was deplorable, as were the restrictions on travel for staff members of certain nationalities. Staff members, in turn, must conduct themselves in a manner befitting the Organization they served, and their loyalties should be exclusively to the United Nations.

41. There was a need for improved management of the Secretariat at all levels. Efficient management would involve greater mobility of staff; that must, however, be tied to career development opportunities. In that context, he wished to refer to the report of the Joint Inspection Unit (A/46/326).

42. Good management must also be accompanied by improved prospects for women in the Secretariat. It was discouraging to note the meagre representation of women at the decision-making levels. The problem was not one of promotion only, but also of recruitment. There had to be a pool of eligible women candidates for promotion to higher levels. His delegation stressed the need to give special attention to qualified women candidates from developing

(Mr. Panday, Nepal)

countries and hoped that management was fully aware of the concerns of Member States and would spare no effort to attain the targets set in General Assembly resolution 45/239 C.

43. His delegation reiterated its call for an effort to redress the imbalance between underrepresented and overrepresented States in the Secretariat. There had been some improvement in the representation of staff from developing countries at the D-1 level, but representation from overrepresented States also seemed to have increased. His delegation would be grateful to learn why, during the previous two years, staff from developing countries had not been promoted to posts subject to geographical distribution at the Assistant Secretary-General level and above.

44. Having studied the report of the Secretary-General on alternative options for desirable ranges for the geographical distribution of staff in the Professional category and above (A/C.5/46/2), his delegation felt that options F and J were compatible and that option J was the most desirable.

45. In conclusion, his delegation wished to emphasize the need to maintain a constructive relationship between the staff, through their elected representatives, and management. A climate of confidence was essential if staff members were to give their best for the attainment of the goals of a revitalized United Nations.

46. Mr. RAZVIN (Union of Soviet Socialist Republics) said that, although his delegation was basically satisfied with the volume and substance of the documents available to it, it regretted that the reports on a review of the rules, regulations and criteria for the promotion of staff within the framework of the vacancy management system, and on staff-management relations, had not been made available. Without doubt, the United Nations was entering a phase of drastic renewal dictated by the realities of the new post-confrontational world order and the need to reform and adapt the existing mechanisms of international cooperation to the new challenges and requirements facing the world community. Thus there was an urgent need to renew or revise the policy and practice of human resources management. That policy should stem from the principle, enshrined in the United Nations Charter and elaborated in General Assembly resolution 45/239, that decisions regarding the appointment, promotion, granting or reviewing of permanent contracts and career development of the staff should be based on the necessity of securing "the highest standards of efficiency, competence and integrity". The "highest standards" criterion had been somewhat eroded over time and was commonly replaced by the notions of merely "high", "competent", "good" or "satisfactory" performance. That adversely affected the morale of those staff members who did meet "the highest standards" and deserved a successful career in the Organization. To make matters worse, it created an unwarranted opportunity for virtually anyone who was unhappy with the personnel decisions of the management to appeal against them.

(Mr. Razvin, USSR)

47. In that context, the Secretariat should, pursuant to paragraph 3 of resolution 45/239, review the internal normative documents on personnel matters and submit relevant amendments to the Staff Rules and Regulations. A similar criterion, based on the Charter, should be used as a basis for the career development scheme to be submitted by the Secretary-General to the General Assembly at its forty-seventh session.

48. His delegation welcomed the intention to place the secondment of staff from national civil services on a legal footing. The procedure set forth by the Secretary-General in his report (A/C.5/46/9) was simple, effective and, given the circumstances, probably the only feasible legal framework for secondment. In endorsing the proposed procedure, he hoped that the question would finally be depoliticized and resolved in accordance with the legitimate interests of the Organization, the Governments and the individuals concerned, as provided in section II, paragraph 3, of resolution 45/239.

49. With regard to the conclusion contained in paragraph 8 of document A/C.5/46/9 that resolution 37/126 was applicable to all staff, including those on secondment, he stressed that the resolution in question provided above all for the right of a staff member to have his performance taken into account and not the right to a career appointment. In that respect, it was necessary to clarify the scope of the resolution and to make it clear that a career appointment could be granted after five years of service provided that the candidate had genuinely displayed "the highest standards of efficiency, competence and integrity"; merely to have achieved a good performance was not enough. Section IV, paragraph 5, of resolution 37/126 must be understood in the context of the preceding paragraph 4, which stated that organizations should establish their needs for permanent and fixed-term staff on a continuing basis. Although the Group of 18 had discussed the possibility of achieving a reasonable balance between various types of appointments as a way of improving efficiency, the Secretariat had apparently not pursued the issue and there were no criteria nor even a tentative policy on the matter. It would be worthwhile to consider establishing an appropriate ratio between permanent and fixed-term contracts for different occupational groups, particularly where there were prospects for introducing new technologies and increasing productivity, as well as for departments and units with a mandate of limited duration. A higher proportion of fixed-term contracts would facilitate the redeployment of human resources, partially resolve the problem of staff training and enhance the Secretariat's capacity to ensure mobility, rotation and inflow of fresh talent at all levels.

50. In connection with the need for greater efficiency in the Secretariat, reference should be made to rule 104.13 of the Staff Rules concerning the review of career appointments at the end of the first five years of service. The rule seemed to have been completely ignored; therefore, either it should be dropped or steps should be taken to start implementing it, primarily through a new performance evaluation system. The proposals which laid greater emphasis on healthy competition in personnel matters would clearly benefit

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those staff members considered to be the Organization's greatest asset, in other words those whose performance year after year met the highest standards. The Secretariat's personnel policy should include provisions to reward such staff.

51. Attempts to exclude from consideration for vacancies candidates not belonging to a department, a division or the Secretariat as a whole, appeared to be counter-productive in terms of ensuring the highest standards of staff competence. His delegation felt that such an approach ran counter to the principle of equal opportunity and hindered the inflow of fresh talent to posts at all levels. In that context, he emphasized once again the need for strict compliance with the provisions on equal opportunity contained in resolution 45/239. The national competitive examinations for posts at the P-2 and P-3 levels encouraged competition and promoted the unbiased selection of new staff. He hoped to see more extensive use made of that recruitment practice, which was particularly promising from the standpoint of better geographical representation and better representation of women.

52. In that connection, it should be emphasized that in 1990 the General Assembly had set new targets for the representation of women with two specific conditions for their attainment: women should be given priority, all things being equal and to the extent possible. Any other approach would go beyond that mandate and would have grave repercussions for the overall personnel situation in the Secretariat.

53. Turning to other matters, he stressed that it was unacceptable to delay any further the implementation of recommendation 59 of the Group of 18 on the establishment of clear guidelines for the activities and financing of the Staff Union.

54. Mr. ABDULRHAMA (Sudan) said that his country had always fully respected international agreements and conventions, including the Convention on the Privileges and Immunities of the United Nations. Referring to document A/C.5/46/4/Add.1, he noted that it might be the first time since its independence that his country had been accused of violating an international convention. There were reasons for believing that the document in question had not been issued with the total good faith to be expected of a decision adopted on behalf of the United Nations. His delegation felt that the members of the Administrative Committee on Coordination had been pressured into issuing the document hastily before they had received a response from his Government.

55. The contents of the document lacked merit for the following reasons. First, the arguments put forward therein were based on an alleged violation by his Government of the provisions of section 18 (b), article V, of the Convention. The 1981 legislation referred to in the document had now been repealed and replaced by a law regulating the affairs of Sudanese nationals working abroad, which contained no provisions governing Sudanese nationals

(Mr. Abdulrhama, Sudan)

working with the United Nations, the specialized agencies or other related organizations. Consequently, the fact that the document in question based its argument on a law which had been repealed meant that it was entirely without merit.

56. Less than three months had elapsed since the Office of Legal Affairs had sent his country the note dated 11 July 1991 referred to in the document. That was a short period for a Government to respond to a question of that kind, which concerned various authorities within the State. With regard to the note verbale of 8 March 1982, his Government saw no reason to reply to a note sent more than nine years previously, particularly as the reasons cited in the note were no longer valid.

57. The note dated 11 July 1991 classified the national contribution paid by Sudanese nationals working abroad as an income tax. That conclusion was wrong since the contribution was paid as a result of an offer made voluntarily by the Conference of Sudanese nationals working abroad, held at Khartoum in September 1989, with a view to providing the country's economy with foreign currency. It was a fixed sum determined with reference to different occupational categories and was not levied on salaries and emoluments received. The amount paid by Sudanese nationals working for international organizations was between $200 and $300 per annum. Income tax was set at a given percentage of employees' salaries and would be much higher than the figure quoted. Consequently, section 18 (b), article V, of the Convention on the Privileges and Immunities of the United Nations did not apply to the contribution.

58. The Office of Legal Affairs and the Administrative Committee on Coordination seemed to have responded to the promptings of an individual staff member or a limited number of Sudanese staff members who wished to exempt themselves from the honour of contributing the small sum of money involved when renewing their passports. His delegation trusted that most Sudanese staff members at the United Nations were willing to continue paying the voluntary national contribution. Those who did not agree could say so and the Government could consider their position.

59. His Government would respond in due course to the note from the Office of Legal Affairs. In the meantime, he requested that document A/C.5/46/4/Add.1 should be removed from consideration under agenda item 115 (b) and a corrigendum issued, since the matter had been raised prematurely.

60. Mr. MOSALA (Lesotho) expressed his support for the recruitment policies and requested the Secretariat to transmit information concerning vacancies in good time to the Missions of all Member States to ensure the equity, integrity and efficiency of the process and to make it easier for the information to be passed on promptly to their respective capitals. He also expressed his support for increased representation of women in the higher echelons of the United Nations.

The meeting rose at 5.05 p.m.